



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,597	06/12/2001	Nobuhide Matsuda	F-7030	3595

7590 07/03/2003
Jordan and Hamburg LLP
122 East 42nd Street
New York, NY 10168

EXAMINER

RODRIGUEZ, GLENDA P

ART UNIT	PAPER NUMBER
----------	--------------

2697

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,597

Applicant(s)

MATSUDA ET AL.

Examiner

Glenda P. Rodriguez

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Admitted Prior Art. Admitted Prior Art discloses a magnetic transfer apparatus including members for performing magnetic transfer of signals from one medium to another, comprising:

A base plate on which the members are placed (Fig. 4,);

A casing on the plate covering the members entirely (Fig. 4, Element 10);

And a plurality of particle measurement devices fixed in the base plate (Fig. 4, Element 16. Admitted Prior Art teaches one particle device being used in the base plate.

It is inherent to use more than one to make a plurality and more specific measurements in the medium.).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2697

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art.

Regarding Claim 2, Admitted Prior Art teaches all the limitations of Claim 1. Admitted Prior Art fail to teach wherein the particle measurement devices are disposed respectively near each of selected ones of the members. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to place the measurement devices in those specific places, in order to make more accurate measurements while the medium is performing its normal operations.

5. Claim 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Sugimoto et al. (US Patent No. 5, 824, 920).

Regarding Claim 3, Admitted Prior art teach all the limitations of Claim 1. Admitted Prior Art also teach the use of a suction port (Fig. 4, Element 16). Admitted Prior Art fail to teach a particle counter for measuring particles present in air drawn off from the casing through the suction port, and a tube for connecting the suction port to the particle counter. However, this feature is well known in the art as disclosed by Sugimoto et al., wherein it teaches a particle counter for measuring particles present in air drawn off from the casing through the suction

port, and a tube for connecting the suction port to the particle counter (Pat. No. 5, 824, 920; Col. 9, Lines 10-19 and 22-41). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Admitted Prior Art to add a suction port and a particle counter in order to know the conditions of the medium during the transfer of magnetic data.

Regarding Claim 4, Admitted Prior Art and Sugimoto et al. teach all the limitations of Claim 3. Admitted Prior Art fail to teach wherein the particle measurement devices are disposed respectively near each of selected ones of the members. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to place the measurement devices in those specific places, in order to make more accurate measurements while the medium is performing its normal operations.

Regarding Claim 5, Admitted Prior Art teaches a particle monitoring method that performs measuring articles within the magnetic transfer apparatus by a plurality of particle measurement devices disposed at a plurality of measurement locations in the magnetic transfer apparatus and specifying a source of particles (Fig. 4, Element 16. Admitted Prior Art teaches one particle device being used in the base plate. It would have been obvious to a person of ordinary skill in the art to use more than one to make a plurality and more specific measurements throughout.). Admitted Prior Art fail to teach that the measurement devices determine a number of particles measure in a time series. However, this feature is known in the art as disclosed by Sugimoto, wherein it teach a particle counter

that controls the amount or particles in a magnetic medium throughout the time of use of the medium and evaluates the cleanliness in the magnetic transfer apparatus (Pat. No. 5, 824, 920; Col. 9, Lines 10-19 and 22-41. Sugimoto et al. teach a magnetic medium that has a suction port and a particle counter that by the amount of particles being found in the medium, controls the air flow in the medium to then be able to make the medium sufficiently clean for it to operate efficiently.). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Admitted Prior Art's invention in order to make the medium more efficient to monitor dust particles in the magnetic transfer apparatus and to ensure that all operations are not spoiled by dust or any other particles that could infiltrate the medium.

Regarding Claim 6, Admitted Prior Art and Sugimoto et al. teach all the limitations of Claim 5. Sugimoto et al. wherein it teach a particle counter that controls the amount or particles in a magnetic medium throughout the time of use of the medium and evaluates the cleanliness in the magnetic transfer apparatus (Pat. No. 5, 824, 920; Col. 9, Lines 10-19 and 22-41. Sugimoto et al. teach a magnetic medium that has a suction port and a particle counter that by monitoring the amount of particles (that amount could obviously also be a mean) being found in the medium by the suction port, it controls the air flow in the medium to then be able to make the medium sufficiently clean for it to operate efficiently.). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Admitted Prior Art's invention in order

Art Unit: 2697

to make the medium more efficient to monitor dust particles in the magnetic transfer apparatus and to ensure that all operations are not spoiled by dust or any other particles that could infiltrate the medium.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is 703-305-8411. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

gpr
June 27, 2003


Richmond Dorvil
Primary Examiner